

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON Nov 3, 1997

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PSYCHOLOGICAL EXAMINERS

IN THE MATTER OF THE
SUSPENSION OR REVOCATION OF
THE LICENSE OF:

Administrative Action

DANIEL C. GOLDBERG, Ph.D.
License #SI2059

VERIFIED COMPLAINT

TO PRACTICE PSYCHOLOGY
IN THE STATE OF NEW JERSEY

Peter Verniero, Attorney General of New Jersey, by Jeri L. Warhaftig, Deputy Attorney General, with offices located at 124 Halsey Street, 5th floor, Newark, New Jersey, on the basis of information and belief, by way of Complaint says:

GENERAL ALLEGATIONS

1. Complainant, Attorney General of New Jersey, is charged with enforcing the laws in the State of New Jersey pursuant to N.J.S.A. 52:17A-4(h), and is empowered to initiate administrative disciplinary proceedings against persons licensed by the Board of Psychological Examiners pursuant to N.J.S.A. 45:1-14 et seq.

2. The New Jersey State Board of Psychological Examiners is charged with the duty and responsibility of regulating the practice of psychology in the State of New Jersey pursuant to N.J.S.A. 45:14B-1 et seq.

3. Respondent Daniel C. Goldberg, Ph.D. is licensed to practice psychology in the State of New Jersey, and has been a licensee at all times pertinent to this Complaint.

4. The client referenced herein has been assigned the fictitious name of Sally S. Her actual identity shall be made known to respondent and to the Board of Psychological Examiners.

5. On or about March 26, 1997 Sally S. was interviewed by a Detective from the Woodbury Police Department. That interview was included in the Detective's narrative portion of an incident report. The entire Incident Report pertaining to this matter will be placed in evidence when this matter is heard.

6. On or about March 31, 1997 and again on or about April 1, 1997 conversation between Sally S. and respondent were electronically recorded under the supervision of the Woodbury Police Department. The transcripts of each of these conversations will be placed in evidence when this matter is heard.

5. On or about August 14, 1997 a Consent Order was entered by the Board of Psychological Examiners in which respondent consented to the interim surrender of his license for a period of ninety (90) days.

COUNT I

1. The General Allegations are repeated and realleged as if set forth at length herein.

2. In or about February, 1997, Sally S. sought and commenced psychological care in respondent's practice. The therapeutic relationship continued until in or about March, 1997.

3. Sally S. sought respondent's care for the treatment of vaginismus and was seen by him in his office on three separate occasions.

4. On or about March 11, 1997, in a treatment session conducted by respondent in his office, and under the guise of using biofeedback to treat her condition, respondent repeatedly touched Sally S.'s genital area with his fingers.

5. Respondent's psychological treatment of Sally S. did not comport with any accepted standards of psychological practice.

6. Respondent's acts have no justification in psychological practice and constitute an abuse of the therapist-patient relationship during therapeutic treatment. They represent a gross deviation from any acceptable standard of care and constitute inappropriate sexual conduct.

7. The foregoing conduct constitutes gross or repeated acts of malpractice in violation of N.J.S.A. 45:1-21(c) and (d); professional misconduct in violation of N.J.S.A. 45:1-21(e); evidences an incapacity of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare in violation of N.J.S.A. 45: 1-21(i); and/or demonstrates

a failure to fulfill the ongoing statutory requirement of good moral character pursuant to N.J.S.A. 45:9-6.

8. Respondent's conduct failed to conform to the requirements of N.J.A.C. 13:42-10.9(e) and is thus a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(h).

WHEREFORE, Complainant demands judgment against respondent as follows:

1. The temporary and permanent suspension or revocation of the respondent's license to practice psychology in the State of New Jersey;

2. An Order directing respondent to undergo a psychological/psychiatric evaluation of his fitness to practice medicine and surgery;

3. Imposition of penalties for each separate unlawful act;

4. Restoration to patients of any monies paid to respondent as fees on account of any unlawful act or practice;

5. Costs, including investigative costs, fees for expert witnesses, and costs of trial, including transcripts; and

6. Such other and further relief as the Board shall deem just and appropriate.

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: Jeri L. Warhaftig
Jeri L. Warhaftig
Deputy Attorney General

Dated: 10/29/97